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Attorneys for Plaintiff
Novartis Pharmaceuticals Corporation

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NOVARTIS PHARMACEUTICALS
CORPORATION,

Plaintiff,

v.

XAVIER BECERRA, in his official
capacity as Secretary of Health and
Human Services et al.,

Defendants.

Case No. 3:23-cv-14221-ZNQ-JBD

Hon. Zahid N. Quraishi

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, pursuant to the Court’s November 21, 2023 Scheduling Order, ECF No. 17, and December 21, 2023 Consent Order, ECF No. 20,¹ the undersigned attorneys for Plaintiff Novartis Pharmaceuticals Corporation (“Novartis”) hereby move before the Honorable Zahid N. Quraishi at the United States District Court for the District of New Jersey, Clarkson S. Fisher Federal Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, for an Order, pursuant to Federal Rule of Civil Procedure 56, granting summary judgment to Novartis in this matter.

PLEASE TAKE FURTHER NOTICE that, in support of this Motion for Summary Judgment, Novartis relies upon the previously filed Memorandum of Law and Declarations of Daniel Meron and Mark Vineis, ECF No. 18, as well as all other materials supporting the Motion, including the Reply filed in support thereof, ECF No. 57, and such other arguments and authorities as were presented at oral argument on March 7, 2024. A proposed form of Order has already been filed at ECF No. 18-13.

¹ The Court’s November 21, 2023 Scheduling Order, ECF No. 17, and December 21, 2023 Consent Order, ECF No. 20, provided that Novartis file its notice of motion on March 27, 2024, the same day that briefing on Novartis’s motion for summary judgment and Defendants’ cross-motion for summary judgment would be complete.

Dated: March 27, 2024

Respectfully submitted,

s/ Gregory Mortenson

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CERTIFICATE OF SERVICE

I, Gregory Mortenson, hereby certify that:

1. I am an associate of the law firm Latham & Watkins LLP, 1271 Avenue of the Americas, New York, New York 10020, counsel to Plaintiff Novartis Pharmaceuticals Corporation in the above captioned matter. I am admitted to the Bar of the State of New Jersey and of this Court.

2. On March 27, 2024, I caused a copy of Plaintiff's Notice of Motion for Summary Judgment to be filed via the Court's CM/ECF system, which caused electronic notification upon all counsel of record.

Dated: March 27, 2024

s/ Gregory Mortenson
Gregory Mortenson